

REMARKS

Claims 1-26 are pending in the application. Claims 1-26 are rejected. Claims 1 and 5-7 have been amended. No new claims have been added. No claims have been cancelled. Claims 1-26 remain in the case for consideration.

Amendment to Title

The title has been amended to reflect the Examiner's suggestion made during a September 1, 2005 phone meeting.

Claim Rejections - 35 U.S.C. § 102

Claims 1-26 are rejected under 35 U.S.C. § 102(b) as being anticipated by I'Anson et al. (US 6,760,046).

The Examiner agreed during an August 30, 2005 phone meeting that the 35 U.S.C. § 102(b) rejection was intended to be a 35 U.S.C. § 102(e) rejection. Accordingly, applicants regard the rejection as a 102(e) rejection in this response to office action.

Applicants wish to "swear behind" the I'Anson reference. Although the March 22, 2001 effective filing date for 102(e) purposes of I'Anson predates the effective filing date of the present application (present application filed December 18, 2001), Applicants conceived of the invention prior to the March 22, 2001 effective filing date of I'Anson and then were diligent in reducing the concept to practice up until the time the patent application was filed on December 18, 2001. Attached is a Section 131 Declaration signed by one of the inventors of the present application that attests to prior conception of the present invention as well as an invention disclosure.

Claim 1 has been amended. Support for the claim amendment may be found in the present specification page 5, lines 24-26, page 6, lines 1-9, and page 9, lines 20-22. Even if I'Anson were prior art (which it is not), I'Anson does not teach each and every element of the invention. I'Anson fails to teach at least the element of interacting with the point-to-point server wherein interacting does not require connecting to an Internet Service Provider (ISP).

Instead I'Anson *does* require connecting to an ISP. It was alleged that communications 101 between PC 70 and server interface 78 constitutes interacting with a point-to-point HTTP server. However, PC 70 must connect to Internet Access Provider (IAP) service system 78 to communication with server interface 78. IAP service system 78 is an ISP because it provides Internet service to PC 70 via dashed line 100. One of ordinary

skill in the art also knows that an IAP is a type of ISP. Therefore I'Anson requires that PC 70 connect to an ISP to communicate with server interface 78.

The requirement in I'Anson that the PC connects to an ISP is disadvantageous for several reasons. First, a user of PC 70 generally must pay subscription fees to be able to use the services provided by IAP 78. Second, since the communications from the PC 70 must be routed through an ISP the communications are less secure. For example, the ISP can monitor and spy on the communications between PC 70 and the server interface 78. Third, the ISP has the power to regulate what content is located on server interface 78 thereby restricting PC 70 access to whatever content the ISP deems inappropriate for PC 70. Fourth, PC 70 would not be able to communicate with server interface 78 if there was a technical problem at the ISP service system 72. For example, if the ISP service system crashed, PC 70 would have no access to server interface 78. Meanwhile, both the server that created the content stored on server interface 78 and the PSTN might be running perfectly but PC 70 cannot interact with the server interface 78.

In contrast to I'Anson, claim 1 does not require connecting to an ISP when interacting with the point-to-point HTTP server. Thus, claim 1 should be allowed. Claims 2-6 should also be allowed at least for the reason that they are dependant.

Regarding the rejections of dependant claims 5 and 6, all of the alleged indications taught by I'Anson occur over the mobile network 10 (see Figure 8 of I'Anson.) Claims 5-6 have been amended to clarify that indicating is accomplished over the PSTN (see FIG. 2 of the present specification) not a mobile network 10. Thus claims 3-6 are also not disclosed by I'Anson at least for this additional reason.

Also, regarding claim 5, I'Anson does not teach the element of transmitting at least one tone indicative of a point-to-point HTTP session. Referring to col. 12, lines 46-65, the request is a query string of the request URL. A query string of the request URL is not a tone as required by claim 5.

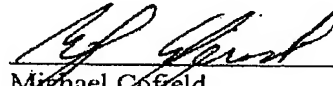
Claim 7 has been amended. Claims 7-26 should be allowed for at least the reason that I'Anson is not prior art.

CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-26 of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.


Michael Coffield
Reg. No. 54,630

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204
503-222-3613
Customer No. 20575